IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO. 579 OF 2002

Dr. Shivkumar Oza ..... Petitioner.

versus

Union of India and others ..... Respondents.

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Shri D.K. Ghaisas for the petitioner.
Shri Kishore Jain i/b. M/s.Bhaishankar Kanga &
Girdharlal for Respondent no.2.

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CORAM ; V.G.PALSHIKAR &
SMT. NISHITA MHATRE, JJ.

DATED; 9TH MARCH, 2005.

P.C.;

1. By this petition, filed in the year 2002 the petitioner seeks a direction to the respondent to pay him interest on the amount of Provident Fund which was refunded to the petitioner. The claim is that though the respondent have earned interest, they have not paid it to the petitioner and therefore a direction should be issued.

2. On 9-9-1993 itself the petitioner was informed that there is no provision for repayment of interest recovered. The cause of action for the petitioner therefore arose on 9-9-1993. It is a clear case where

the petitioner seeks a direction for money due. Whether the petitioner was entitled to interest in the circumstances of this case, is something which is required to be proved in a Civil Suit for the said purpose, was the appropriate remedy. Even if the petitioner has taken up this remedy in the year 1998, the suit would have been barred by law of limitation. He came to this court in 2002 and has alleged in the petition that he was told by his lawyer that a writ petition has been filed but factually no such petition was filed. Even if it is that the petition was filed in the year 1998, writ jurisdiction cannot be invoked for grant of something which is prohibited by law of limitation. It would be a gross misuse of the powers of this court under Article 226 of the Constitution of India. We therefore see no reason to interfere.

Petition is rejected.

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